IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 1889 of 2006(Y)

---

PETITIONER:

---

1. B. PRADEEP KUMAR, S/O. K.K. BHASKARAN,
   SALES PROMOTION OFFICER, COIRFED SHOWROOM,
   AMARAVATI ROAD, WARUD, AMARAVATI DISTRICT,
   MAHARASHTRA.

2. G. RAJENDRA PILLAI,
   SALES PROMOTION OFFICER, COIRFED SHOWROOM,
   SILIGURI P.O., DARJEELING DISTRICT,
   WEST BENGAL.

3. B. SARATCHANDRAN,
   S/O. G. BALAKRISHNA PILLAI,
   SARASWATHY VILAS, KURUMANDAL, PARAVUR.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

---

1. KERALA STATE CO-OPERATIVE COIR
   MARKETING FFEDERATION LIMITED NO.679,
   ALAPPUZHA, REPRESENTED BY ITS
   MANAGING DIRECTOR.

2. STATE OF KERALA, REPRESENTED BY ITS
   SECRETARY TO GOVERNMENT, DEPARTMENT OF
   INDUSTRIES, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

3. MANAGING DIRECTOR, COIRFED,
   POST BOX NO.4616, ALAPPUZHA.

ADDL.R4

4. Y.SATHEESH, COIRFED SHOWROOM. INDORE,
   MADHYA PRADESH, PIN-452007
   (Impleaded as per order dated 2.3.2006 in I.A.3017/06)

BY ADV. SRI.B.SURESH KUMAR, SC, COIRFED FOR R1 AND R3
SRI.V.G.SANKARAN FOR ADDL .R4
GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE NOTIFICATION DATED 1.10.92

EXT.P2- TRUE COPY OF THE GOVERNMENT ORDER DATED 9.3.93

EXT.P3- TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD PETITIONER DATED 26.3.93

EXT.P4- TRUE COPY OF THE RESOLUTION DATED 25.8.97

EXT.P5- TRUE COPY OF THE COMMUNICATION DATED 19.4.99

EXT.P6- TRUE COPY OF THE COMMUNICATION DATED 14.2.03

EXT.P7- TRUE COPY OF THE COMMUNICATION DATED 5.4.03

EXT.P8- TRUE COPY OF THE JUDGMENT IN O.P.33976/02 DATED 8.10.03

EXT.P9- TRUE COPY OF THE JUDGMENT IN CON.CASE ©.NO.716/05 DATED 24.8.05

EXT.P10- TRUE COPY OF THE REPRESENTATION DATED 10.11.2005

RESPONDENT'S EXHIBIT

EXT.R1(a)- A TRUE COPY OF THE RECRUITMENT RULES DATED NIL

(TRUE COPY)

P.A TO JUDGE

**J.M.JAMES, J.**

---

W.P.(C). 1889/2006

---

Dated this the 9th day of January, 2007

**JUDGMENT**

The writ petitioners 1 and 2 are working as Sales Promotion Officers and the third writ petitioner as Sales Promotion Assistant. The prayer of the writ petitioners is to direct the second respondent, The State Government, to pass appropriate orders accepting the recommendations for regularising the petitioners' service in the cadre of Sales Promotion Officers, with effect from the date of their first appointment.

2. Ext.P3 dated 26.3.1993 is the appointment order in respect of the third writ petitioner, appointing him as Sales Promotion Assistant on a contract basis for one year under the first respondent. The learned counsel submits that similar orders had been issued in respect of the writ petitioners 1 and 2 as well. Thus, all the three are in service from the year 1993.

3. As per the direction of this Court, Special Rules had been framed and forwarded to the second respondent,

The State Government. Ext.R1(a) reveal that special rules are called as “the recruitment Rules for the Kerala State Co-operative Coir Marketing Federation Ltd. It came into force with effect from25.4.1995”. It is further clarified therein that “these Rules will in no way adversely affect the employees appointed before 25.4.1994 and continue in the service of The Kerala State Co-operative Coir Marketing Federation Ltd No.679.”

4. The counsel for the writ petitioners, therefore, submits that, as they having been appointed in the year 1993, the Special Rules, framed and forwarded to the Government of Kerala, will not in any way affect them. Although they had been appointed on contract basis, from year to year, they had been allowed to continue in service till the coming into force of special Rules. From 25.4.1995, they should be regularised in the post, in which they are working. The order has also to be passed by the Government of Kerala, in view of Ext.R1 (a), recruitment rules, regarding the working

conditions, appointments and other related matters of the employees in the first respondent, Federation.

5. Ext.P4 is the resolution of the Board of Directors of the first respondent passed on 25.8.1997. In it the first respondent had resolved to regularise all the employees working on contract basis. Posts decided to be regularised, include sales Promotion Officers and Sales Promotion Assistants, in which posts, the petitioners are working. The counsel for the respondents 1 and 3 submits that no approval had been given to the above posts. However, Ext.P5 dated 19.4.1999 reveal that the posts had been created by the Government and, therefore, no further formal approval is required.

6. In the above facts situation, I direct the second respondent to examine the entire matter afresh, in the light of Ext.R1(a). The date of appointment of the petitioners being prior to 25.4.1995, they be regularised in the posts, where they were working at the time of issuance of the Special Rules and consequential orders also be passed. This shall be done

within three months from the date of production of a copy of this judgment.

7. The order of this Court dated 31.10.2006, directing the first respondent to pay the salary of the writ petitioners, will continue until final orders are passed, as directed above.

The writ petition is allowed as above.

**J.M.JAMES**
**JUDGE**

mrcs